

Message Text

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SUBJ: PROPOSED AMENDMENTS TO MALTA'S CONSTITUTION

REF: VALLETTA 1685, 1674

1. SUMMARY: AFTER MONTHS OF DISCUSSION AND SPECULATION, PRIME MINISTER MINTOFF FINALLY REVEALED HIS PROPOSED CHANGES TO MALTA'S CONSTITUTION ON NOVEMBER 11. THERE ARE FEW SURPRISES. PARLIAMENTARY DEBATE WILL FOLLOW, WITH MINTOFF REPORTEDLY AIMING FOR COMPLETION OF THE AMENDMENT PROCESS BEFORE THE CHRISTMAS RECESS. END SUMMARY

2. PRIME MINISTER MINTOFF'S LABOR GOVERNMENT INTRODUCED THREE BILLS IN PARLIAMENT ON NOVEMBER 11 PROPOSING AMENDMENTS TO VARIOUS CLAUSES OF MALTA'S 1964 CONSTITUTION. THE SIGNIFICANT ASPECTS OF THESE BILLS FOLLOW.

3. THE FIRST BILL PROPOSES AMENDMENTS TO THE ELECTORAL LAW, MAINLY INCREASES IN MONETARY FINES AND JAIL SENTENCES FOR THOSE CONVICTED OF "MISCONDUCT" DURING ELECTORAL CAMPAIGNS. IT ALSO WOULD PROHIBIT--FOR TWO DAYS PREVIOUS TO AN ELECTION, AND ON ELECTION DAY- ANY PUBLIC POLITICAL CAMPAIGNING, OR USE OF THE LIMITED OFFICIAL USE

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MEDIA, "INTENDED OR LIKELY TO INFLUENCE VOTERS". STATED

PURPOSE OF THIS BILL IS "THAT SPIRITUAL INDUCEMENT IN THE EXERCISE OF THE FRANCHISE SHALL BE A CORRUPT PRACTICE."

4. THE SECOND BILL WOULD CHANGE THE SECTION OF THE CONSTITUTION STATING THAT THE CONSTITUTION IS THE SUPREME LAW OF MALTA. PROPOSED BILL STATES THAT WHEN AN ACT OF PARLIAMENT PROVIDES A LAW SHOULD HAVE EFFECT "NOTWITHSTANDING ANY PROVISION OF THE CONSTITUTION," THEN SUCH LAW WOULD PREVAIL IN CASE OF ANY INCONSISTENCY BETWEEN THE TWO. STATED PURPOSE OF THIS BILL IS TO "MAKE DIFFERENT PROVISIONS FOR CASES OF CONFLICT BETWEEN THE CONSTITUTION AND OTHER LAWS."

5. THE THIRD BILL IS A COMPLICATED ONE PROPOSING CHANGES TO MANY CLAUSES OF THE PRESENT CONSTITUTION. HIGHLIGHTS INCLUDE:

(A) ESTABLISHMENT OF "THE REPUBLIC OF MALTA," AND "DEMOCRATIC REPUBLIC FOUNDED ON WORK AND ON RESPECT FOR THE FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL;"

(B) REPLACEMENT OF THE OFFICE OF GOVERNOR GENERAL WITH THAT OF A PRESIDENT, TO BE ELECTED FOR FIVE YEARS BY "RESOLUTION OF THE HOUSE OF REPRESENTATIVES;"

(C) CHANGES IN THE ARTICLE AFFECTING THE CATHOLIC RELIGION IN MALTA. PRESENT CLAUSE "GUARANTEES" THE CHURCH THE "RIGHT" TO EXERCISE ITS "PROPER SPIRITUAL AND ECCLESIASTICAL FUNCTIONS AND DUTIES" AND TO "MANAGE ITS OWN AFFAIRS." PROPOSED CLAUSE STATES THAT "AUTHORITIES" OF THE CHURCH HAVE THE "DUTY" AND THE "RIGHT" TO TEACH WHICH PRINCIPLES ARE RIGHT AND WHICH ARE WRONG." NO CHANGE IS PROPOSED IN THE PRESENT CONSTITUTIONAL STATEMENT THAT THE "RELIGION OF MALTA IS THE ROMAN CATHOLIC APOSTOLIC RELIGION;"

(C) TEACHING OF RELIGION IN STATE SCHOOLS IS TO BE MAINTAINED, BUT STUDENTS SHALL NOT BE REQUIRED TO TAKE SUCH INSTRUCTION IF THEY OR THEIR PARENTS OBJECT;

(E) CERTAIN KEY CONSTITUTIONAL AMENDMENTS WOULD CONTINUE TO REQUIRE A TWO-THIRDS MAJORITY IN PARLIAMENT, BUT THE PRESENT ADDITIONAL REQUIREMENT FOR A CONFIRMING REFERENDUM WOULD BE LIMITED OFFICIAL USE

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ELIMINATED;

(F) A REVISED PROVISION THAT THERE SHALL BE AN ODD NUMBER OF MEMBERS OF PARLIAMENT, AND THAT THE NUMBER OF ELECTORAL DISTRICTS SHALL BE AN ODD NUMBER NOT LESS THAN NINE NOR MORE THAN FIFTEEN (COMMENT: THERE ARE PRESENTLY TEN DISTRICTS AND FIFTY-FIVE MEMBERS. END COMMENT);

(G) ESTABLISHMENT OF AN ELECTORAL COMMISSION WITH THE POWER TO SUSPEND ELECTIONS IN CASE OF "CORRUPT PRACTICES." DECISIONS OF THE COMMISSION WOULD BE REFERRED TO THE "CONSTITUTIONAL COURT" FOR ADJUDICATION;

(H) LOWERING OF THE VOTING AGE FROM 21 TO 18.

STATED PURPOSE OF THIS BILL IS TO MAKE THE CONSTITUTION "MORE LIBERAL AND TRULY DEMOCRATIC" AND TO MAKE MALTA A "REPUBLIC."

6. COMMENT: THE THREE BILLS HAVE NOT YET BEEN DISCUSSED IN PARLIAMENT AND NEITHER GOVERNMENT NOR OPPOSITION REPRESENTATIVES HAVE REACTED PUBLICLY TO THEM. HOWEVER, AT LONG LAST, DETAILS OF THE PROPOSED CONSTITUTIONAL CHANGES HAVE BEEN MADE AVAILABLE TO THE GENERAL PUBLIC. MOST OF THE PROPOSED CHANGES HAVE BEEN MENTIONED FREQUENTLY DURING RECENT MONTHS AT VARIOUS POLITICAL MEETINGS IN MALTA; SO THERE ARE NOT THAT MANY UNEXPECTED CONCEPTS IN THE PACKAGE. MINTOFF IS REPORTED TO BE DETERMINED THAT THE THREE BILLS BE ADOPTED BEFORE PARLIAMENT'S CHRISTMAS RECESS. WIGGINS

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